

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 9-31 will be active in the application subsequent to entry of this Amendment.

In this Amendment claim 18 has been amended to depend from claim 10 only and a new set of claims added to specify that the modified lupin protein is obtained by a process which consists of the three stated steps of adjusting an aqueous solution to the requisite pH and dry mass content, fractionating the solution or suspension obtained by ultrafiltration or centrifugation and finally converting the protein solution into a solid form.

The sole issue raised in the outstanding Official Action is the patentability of claims 9-18 over a single reference.

All claims were rejected as anticipated/obvious over Perrier (U.S. 5,912,016). Applicants respectfully traverse this rejection.

Perrier was cited for describing a method of dispersing a lupin protein which was dispersed¹ in an acetate buffer at pH 7.4 (2.4% concentration). The buffer is centrifuged, and supernatant recovered. Next, the supernatant is dispersed in various organic solvents to recover a solid protein. Microcapsules so produced can be used for entrapping other products such as food, pigments, glucose and oil, and vitamins. It was thus concluded that this anticipates and/or renders the instant claims obvious.

Applicants would like to point out that Perrier takes the supernatant of the centrifuged lupin/acetate buffer dispersion and then modifies it by a crosslinking step prior to any drying processes. See column 7, line 10 and column 9, line 28.

All of Perrier's plant proteins are subjected to this crosslinking step. Applicants' proteins, in contrast, are not crosslinked.

To anticipate a claim, a single prior art reference must disclose each and every element of the claimed invention, either explicitly or inherently. *In re Schreiber*, 128 F. 3d 1473, 1477, 33 U.S.P.Q.2d 1429, 1431 (Fed. Cir. 1997). Perrier does not meet this standard hence there is no anticipation.

¹ The Official Action says "dissolved".

FUNDA et al
Appl. No. 10/530,167
June 30, 2008

There is no suggestion or hint in Perrier that would lead one of ordinary skill in the art to omit this crosslinking step, and to convert the lupin solution to a dry form as taught by applicants.

For the above reasons it is respectfully submitted that all pending claims are unobvious over the disclosures of the Perrier reference and that these claims are in condition for allowance. Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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